



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during March 2009**  
**DISTRIBUTED: April 14, 2009**

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*This report has been prepared to satisfy a statutory obligation DEP has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or [Peter.J.Carney@Maine.gov](mailto:Peter.J.Carney@Maine.gov) for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>. If you are receiving this report via regular mail, but would prefer to receive an electronic version, please send an email to the above address with your contact information.*

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The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

**Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Air:*

**E.J. Carrier, Inc., Farmington, Maine.** E.J. Carrier, Inc. ("E.J. Carrier") violated provisions of the Department's rules for *Major and Minor Source Air Emission License Regulations* by failing to timely renew its air emission license for fuel burning and process equipment associated with its wood chipping operations in Farmington and violated the Department's rule for *Emission Statements* by failing to timely file annual air emission inventory reports for 2006 and 2007. To resolve the violations, E.J. Carrier paid \$2,000 as a civil monetary penalty.

**Madison Paper Industries, Madison, Maine.** Madison Paper Industries ("Madison Paper"), which operates a paper mill in Madison, failed to perform NO<sub>x</sub> monitor calibration drift testing in accordance with the Department's rules for *Source Surveillance*, failed to record and average NO<sub>x</sub> and opacity emissions in accordance with the mill's Air Emission License, and exceeded opacity limits in the mill's Air Emission License. Following Department involvement, Madison Paper corrected the error in averaging NO<sub>x</sub> and opacity emissions to the extent possible. To resolve the violations, Madison Paper paid \$173,000 as a civil monetary penalty.

*Asbestos:*

**New Meadows Abatement, Inc., Isleboro, Maine.** New Meadows Abatement, Inc. ("New Meadows Abatement") violated provisions of the Department's *Asbestos Management Regulations* while conducting an asbestos abatement activity involving the removal of roofing shingles from a structure on Isleboro by failing to establish a regulated area prior to conducting the abatement activity, failing to ensure that removed asbestos-containing material stayed wet throughout removal, storage, and transport, failing to containerize removed asbestos waste, failing to conduct a visual evaluation of each regulated activity, and failing to maintain signed copies of disclosure forms at the work site. Following Department involvement, New Meadows Abatement established a regulated area, wetted and containerized removed asbestos containing materials, and provided the Department with signed copies of disclosure forms. To resolve the violations, New Meadows Abatement paid \$6,000 as a civil monetary penalty.

*Hazardous Waste:*

**ENPRO Services of Maine, Inc., South Portland, Maine.** ENPRO Services of Maine, Inc. ("ENPRO") violated provisions of the Department's rules concerning *Standards for Generators of Hazardous Waste*, the Department's rules for *Standards for Hazardous Waste Facilities*, and its Department-issued hazardous waste facility license relating to its hazardous waste treatment and storage facility in South Portland. Specifically, ENPRO: failed to maintain a complete hazardous waste contingency plan; failed to amend the facility's hazardous waste plan as necessary; failed to ensure that the facility's Emergency Coordinators were employees available to respond to an emergency by reaching the facility within a short period of time; failed to ensure that the facility's Emergency Coordinators were thoroughly familiar with the facility's contingency plan and the location of all records within the



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facility; failed to execute annual aid agreements with local police, fire, and emergency response teams for 2006 and 2007; failed to maintain complete records of personnel training for employees who handle hazardous waste; failed to segregate hazardous waste from non-hazardous waste in the facility's container storage room; and failed to mark containers of hazardous waste with the date of arrival at the facility. Following Department involvement, ENPRO submitted to the Department a written response indicating corrective actions to resolve the violations which included amendment and submittal of the facility's contingency plan, renewing aid agreements with local fire, police, and hospital, and updating employee personnel training records. To resolve the violations, ENPRO will pay \$8,000 as a civil monetary penalty.

#### *Land:*

**Crane's Contract Cutting, Inc., Cherryfield and Deblois, Maine.** Crane's Contract Cutting, Inc. ("Crane's Contract Cutting") violated provisions of Maine's *Natural Resources Protection Act* by placing fill and constructing permanent crossings in four streams without first obtaining a permit from the Department, the *Protection and Improvement of Waters* law by discharging soil to waters of the State without first obtaining a permit from the Department, and the *Erosion and Sedimentation Control* law by displacing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soils or sediment beyond the project site or into a protected natural resource. Following Department involvement, Crane's Contract Cutting submitted an after-the-fact permit by rule notification for the stream crossings. A follow up inspection conducted by Department staff found that the stream crossings had been reconstructed in accordance with permit by rule standards and that the area had been permanently stabilized. To resolve the violations, Crane's Contract Cutting paid \$2,600 as a civil monetary penalty.

**Louis Maietta and Roberta Maietta, Raymond, Maine.** Louis Maietta and Roberta Maietta ("the Maiettas") violated provisions of Maine's *Natural Resources Protection Act* by placing, or causing to be placed, sand adjacent to a great pond without first obtaining a permit from the Department, and violated the *Erosion and Sedimentation Control* law by displacing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soils or sediment beyond the project site or into a protected natural resource. Specifically, approximately ten yards of sand had been placed adjacent to Thomas Pond without erosion controls measures in place to prevent the movement of sand into the lake. Following Department involvement, the Maiettas removed the sand and completed restoration to the Department's satisfaction. To resolve the violations, the Maiettas paid \$815 as a civil monetary penalty.

**Millennium, LLC, Palmyra, Maine.** Millennium, LLC ("Millennium") violated provisions of Maine's *Stormwater Management* law by constructing or causing to be constructed a project that includes one acre or more of disturbed area without first obtaining a permit from the Department. Specifically, Millennium constructed a building and associated parking area totaling approximately 1.2 acres of developed area. At the time of the Department's inspection, the site was stable and no soils were eroding off site. To resolve the violations, Millennium agreed to submit an after-the-fact permit application pursuant to the *Stormwater Management* law and comply with the terms of the permit if approved, or if the permit is denied, submit a restoration plan to the Department to reduce the developed area to less than one acre in size. Millennium will pay \$3,600 as a civil monetary penalty.

#### *Oil:*



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**Abbott Family Limited Partnership, Lebanon, Maine.** Abbott Family Limited Partnership ("Abbott LP") violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* as the result of a discharge of oil from an above ground oil storage tank and failing to immediately undertake to remove the discharge. Specifically, an above ground oil storage tank at a residential rental property owned by Abbott LP was damaged and discharged oil to soil at the site. After being informed of the spill by a tenant, Abbott LP authorized the tenant to undertake a limited clean up of the spill. After a report of the spill by a third-party, Department staff investigated the site and determined that the oil discharge posed a threat to groundwater and the drinking water well at the subject property. The Department undertook additional clean up of the spill, including the removal of 84.5 tons of oil-contaminated soil to date, incurring investigation and clean-up expenses in the amount of \$12,781.42. Abbott LP applied for and was found eligible for coverage under Maine's *Ground Water Oil Clean-up Fund* for the Department's clean up expenses, subject to a deductible of \$1,250. To resolve the violations, Abbott LP paid the \$1,250 deductible and paid \$5,000 as a civil monetary penalty.

*Water:*

**Clayton and Patricia Holmes, Eddington, Maine.** Clayton and Patricia Holmes ("the Holmeses") violated provisions of Maine's *Water Pollution Control* laws, the Department's rules for *Overboard Discharges: Licensing and Abandonment*, and the conditions of their Department-issued Waste Discharge License by failing to maintain chlorine in the chlorination unit of a residential wastewater treatment system which discharges treated sanitary wastewater to the Penobscot River. Department staff documented a lack of chlorine on four different inspections conducted in 2004, 2006, 2007, and 2008. To resolve the violations, the Holmeses agreed to conduct inspections of the chlorination unit, maintain disinfection at all times as required, and maintain written records of all inspections and maintenance for a period of one year. The Holmeses will pay \$150 as a civil monetary penalty.